

# STATE OF COLORADO

## Colorado Department of Agriculture

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### Inspection & Consumer Services Division Fertilizer Program

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Bill Ritter, Governor  
John R. Stulp, Commissioner  
Sheldon R. Jones, Deputy Commissioner

November 30, 2007

Dear Respected Industry Member,

As you are aware, the Colorado Department of Agriculture has been in the process of revising our Fertilizer Law. As a part of this process, many comments were received, including several objections to our proposed regulatory exemption for compost. These objections specifically pertained to the lack of regulatory oversight regarding safety and quality issues with compost.

After careful consideration of all of the comments, the Department has determined that it should take a more active role in the regulation of compost and is proposing language in the draft Fertilizer Law revision to allow regulatory oversight of compost that is distributed in Colorado.

The proposal would:

- Authorize the Department to regulate compost; including inspection, sampling, and laboratory analysis of compost.
- Require compost manufacturing facilities that distribute/sell compost to register with the Department. A registration fee of \$50- \$100 would be required. Distribution fees would not be required. **Note that a composting facility that is regulated by the Colorado Department of Public Health and Environment (CDPHE) would be exempt from this registration requirement.**
- Allow the Commissioner of Agriculture to adopt rules for compost quality and safety, including CDPHE's Solid Waste Composting Regulations maximum concentration levels for heavy metals and pathogens. The adoption of the quality standards for compost established by the Rocky Mountain Region Compost Classification System may also be adopted.

The proposal does not:

- Authorize the Department to regulate the composting process.
- Set standards for the operation of composting facilities.
- Change the current exemption for treated manure.

The following is the proposed definition for compost:

**35-12-103 (NEW) ( )** "COMPOST" MEANS A SUBSTANCE DERIVED FROM A PROCESS OF BIOLOGICALLY DEGRADING ORGANIC MATERIALS THAT CONTAINS ONE OR MORE ESSENTIAL AVAILABLE PLANT NUTRIENTS AND COMPLIES WITH THE MINIMUM STANDARDS SPECIFIED BY THE COMMISSIONER IN RULE.

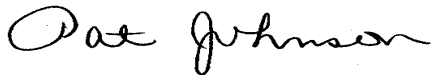
The following is the proposed registration requirement for manufacturing facilities that distribute compost:

**35-12-104 (NEW) (9)** EACH MANUFACTURING FACILITY THAT PRODUCES COMPOST IN THIS STATE THAT IS DISTRIBUTED WITHOUT COMMERCIAL FERTILIZER, PLANT AMENDMENT OR SOIL CONDITIONER CLAIMS MUST REGISTER WITH THE COMMISSIONER UNLESS EXEMPTED BY RULE. THE APPLICATION FOR REGISTRATION SHALL BE SUBMITTED TO THE COMMISSIONER ON FORMS FURNISHED BY THE COMMISSIONER AND SHALL BE ACCOMPANIED BY A FEE AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. FIFTY PERCENT OF THE DEPARTMENT'S DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THE PROVISIONS OF THIS ARTICLE SHALL BE FUNDED FROM THE GENERAL FUND. THE AGRICULTURAL COMMISSION SHALL ESTABLISH A FEE SCHEDULE TO COVER THE REMAINING DIRECT AND INDIRECT COSTS. ALL REGISTRATIONS SHALL EXPIRE ON THE DATE SPECIFIED BY THE COMMISSIONER BY RULE OF EACH YEAR. AT THE TIME OF REGISTRATION, EACH FACILITY MUST SUBMIT COPIES OF ALL LABELS THAT WILL BE ATTACHED TO OR ACCOMPANY THE COMPOST PRODUCTS IT DISTRIBUTES.

A copy of the updated proposed law draft is enclosed for your review.

Please contact me by e-mail ([pat.johnson@ag.state.co.us](mailto:pat.johnson@ag.state.co.us)) or telephone (303-477-0086) if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Pat Johnson". The signature is written in a cursive, flowing style.

Pat Johnson  
Fertilizer Program Administrator

Enclosure